

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No.: 373 of 2004.

Decided on: 24.4.2007.

M/s DCM Tools and Dies.

Versus

H.P.S.E.B. and Others .

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Petitioner.

... ..

Respondents.

Coram:

The Hon'ble Mr. Justice Rajiv Sharma, J.

Whether approved for reporting? Yes.

For the Petitioner: Ms. Shilpa Sood, Advocate.

For the Respondents: Mr. Shrawan Dogra, Advocate.

Rajiv Sharma, Judge (Oral):

This petition is directed against Annexures P-9 and P-13 respectively. The sole submission made by Ms. Shilpa Sood, Advocate on behalf of the petitioner is that before the issuance of impugned orders no notice was served upon the petitioner.

Mr. Shrawan Dogra, appearing on behalf of the respondents-Board submits that the orders are administrative in nature and no notice was required to be issued before their issuance.

I have perused the record and heard the parties.

I have gone through the pleadings of the parties carefully, but have

Whether reporters of local papers may be allowed to see the judgment? Yes.

not come across any notice which has been issued by the respondents-board before the issuance of impugned orders. Duty was cast upon the respondents-Board to issue show cause notice before the issuance of Annexures P-9 and P-13 respectively. The impugned orders have civil consequences and the same were to be issued after affording reasonable opportunity to the petitioner. The submission of Mr. Shrawan Dogra that the notices were not required to be issued since the objection has been raised by way of audit para is also not tenable. Even though objections may have been raised by the auditors, still the notices were required to be issued to the petitioner. Thus, the orders Annexures P-9 and P-13 are vitiated for non-compliance with the principles of natural justice.

Accordingly, the writ petition is allowed and impugned Annexures P-9 and P-13 are quashed and set aside. The respondents-Board is directed to hear the parties by issuing a show cause notice within a period of four weeks from today and thereafter decide the matter afresh within a period of two months. No order as to costs.

(Rajiv Sharma)
Judge

April 24, 2007.
(sck)